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P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Technology Center 2100

In re Application of:

Joseph P. Kerzman et al.

Serial No.: 08/789,025

Examiner: H.M. Jones

Filed : January 27, 1997

Group Art Unit: 2123

For : METHOD AND APPARATUS FOR EFFICIENTLY VIEWING A NUMBER
OF SELECTED COMPONENTS USING A DATABASE EDITOR TOOL

Docket No.: 33012/184/101

COMMUNICATION

Assistant Commissioner
for Patents
Washington, D.C. 20231

CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an enveloped addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 on this 29th day of January, 2004.

By: _____

Carolyn I. Erickson

Sir:

On January 29, 2003, the United States Patent and Trademark Office issued a NOTICE OF ABANDONMENT (PTO-1432) with regard to the matter captioned above. That paper was received by the undersigned on February 3, 2003. A photostatic copy of the document is forwarded herewith.

The document indicated that the reason for issuance of the NOTICE OF ABANDONMENT was Applicants' failure to respond to the Office Letter, mailed June 28, 2000. In fact, however, on September 26, 2000 a NOTICE OF APPEAL was filed with certification in accordance with 37 C.F.R. § 1.8. On November 24, 2000 APPELLANT'S BRIEF was filed in triplicate with certification in accordance with 37 C.F.R. § 1.8. On February 13, 2001, a COMMUNICATION was mailed to Applicants, and in response and on April 16, 2001 a SUPPLEMENTAL APPELLANT'S BRIEF was filed in triplicate with certification in accordance with 37 C.F.R. § 1.8. On July 2, 2001 a NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 1.192(c) was mailed to applicants, and in response on July 30, 2001 a SECOND SUPPLEMENTAL APPEAL BRIEF was filed in triplicate with certification in accordance with 37 C.F.R. § 1.8. On December 10, 2001, a NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c) was mailed to Applicants. In response, a THIRD SUPPLEMENTAL BRIEF was filed on January 7, 2002 in triplicate with certification in accordance with 37 C.F.R. § 1.8. On February 14, 2002, a NOTIFICATION OF NON-COMPLIANCE WITH 37 CFR 1.192(c) was mailed to Applicants. In response, on March 11, 2002, a FOURTH SUPPLEMENTAL APPEAL BRIEF was filed in triplicate with certification in accordance with 37 C.F.R. § 1.8.

In view of the NOTICE OF ABANDONMENT of January 29, 2003, It is assumed that the FOURTH SUPPLEMENTAL APPEAL BRIEF did not reach the examiner. The package filed under Rule 8 on March 11, 2002, however, also included a TRANSMITTAL SHEET and a return receipt postcard. The return receipt postcard was returned to the undersigned acknowledging receipt of the documents filed therewith and received by the undersigned on March 28, 2002. The postcard was date stamped by the Mail Room of the Patent & Trademark Office on March 21, 2002 to acknowledge receipt of the Transmittal Sheet and Appellant's Fourth Supplemental Brief Filed Under 37 CFR § 1.192 in Triplicate. Please find transmitted herewith also photostatic copies of the documents comprising the package filed on March 11, 2002 in accordance with Rule 8. Included is a photostatic copy of the postcard, having the Mail Room date stamped thereon, received by the undersigned on March 28, 2002.

It is submitted that the action taken on March 11, 2002 was timely and that the NOTICE OF ABANDONMENT mailed by the Patent and Trademark Office on January 29, 2003 was erroneously transmitted. It is requested then that the NOTICE OF ABANDONMENT be vacated and that the file be considered by the examiner in view of the FOURTH SUPPLEMENTAL APPEAL BRIEF filed in response to the Office Letters of February 14, 2002 and June 28, 2000. It is submitted that, in view of the action taken by Applicant in responding to the Office

Letter of February 14, 2002, the action taken by Applicant was timely and that the issuance of the NOTICE OF ABANDONMENT on January 29, 2003 was the error of the Patent and Trademark Office. It is also submitted, therefore, that any fees that might otherwise be incident to vacation of the NOTICE OF ABANDONMENT and reinstatement of the application would not appropriately be fees for which Applicant would be liable.

Respectfully submitted,

Joseph P. Kerzman et al.

By their attorney

Date

January 29, 2004

Lawrence M. Nawrocki

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TRANSMITTAL SHEET

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

<p>CERTIFICATE UNDER 37 C.F.R. 1.8: I hereby certify that this correspondence and the documents described herein are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this <u>27th</u> day of <u>January</u>, <u>2004</u>.</p> <p>By <u>[Signature]</u> Carolyn I. Erickson</p>
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We are transmitting herewith the attached:

- ☐ A check in the amount of \$_____ is enclosed.
- ☒ Other: Communication; photocopies of: Notice of Abandonment dated 01/29/03; Return Postcard Stamped by OIPE PTO 03/21/02; Return Postcard sent 03/11/02; Transmittal Sheet of 03/11/02; Appellant's Fourth Supplemental Brief Under 37 CFR § 1.192 in Triplicate dated 03/11/02.
- ☒ Please charge any deficiencies or credit any over payment in the enclosed fees to Deposit Account 14-0620.

By: Lawrence M. Nawrocki
Lawrence M. Nawrocki
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